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| Planning for the transfer of carers of vulnerable Aboriginal children in the out-of-home care system |
| Position paper |

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# Background

Aboriginal children and young people remain significantly overrepresented in the child protection and out-of-home care system here in Victoria. As at 30 June 2016, there were 9705 children and young people in out-of-home care in Victoria of which 1876 were Aboriginal.[[1]](#footnote-1)

The Victorian Government is committed to self-determination and self-management for all Victorian Aboriginal people. Part of this commitment is to ensure that all vulnerable Aboriginal children and young people involved in the child protection and out-of-home care system will be cased managed or cared for wherever possible by an Aboriginal community-controlled organisation (ACCO).

In December 2016, there were 1812 Aboriginal children and young people in out-of-home care and 283 (16 per cent) Aboriginal children and young people were case managed by an ACCO.

The commitment to self-determination and self-management is also outlined in the following two documents:

* *Beyond Good Intentions*, a statement developed through the Centre for Excellence in Child and Family Welfare in collaboration with a number of out-of-home care providers aiming to ‘drive collaboration and reform and create a fair, just and restorative child and family welfare system for Aboriginal and Torres Strait Islander children.’ This statement indicates a shared vision for building resources and capability of Aboriginal organisations, to be responsible for the care and support of Aboriginal children and young people, and;
  + *Koori Kids: Growing Strong in their Culture*, a submission from the Aboriginal Family and Children’s Alliance to the Minister for Families and Children. The submission has nine priorities including, ‘Place all Aboriginal children and young people in out-of-home care under the authority, care and case management of an ACCO’.

The Aboriginal Children’s Forum (ACF) has established targets for all Aboriginal children and young people to be transferred from non-Aboriginal community service organisations (CSOs) and the department to ACCOs, having regard to the best interest of each Aboriginal child, by 2024[[2]](#footnote-2) and to transfer 30 percent by end of 2017.

# Context

In November 2016, an Aboriginal Transition Team was established to support the transition of funding and targets to ACCOs. This includes supporting the implementation of Priority 4 and 5 of the Aboriginal Children’s Forum which are:

**Priority 4:** With the commitment across and within departments and the community sector, build the capacity and resilience of Aboriginal families, communities, ACCOs and the sector to care for children and young people to reduce the number of Aboriginal children in out-of-home care.

**Priority 5:** Place all Aboriginal children and young people in out-of-home care under the authority, care and case management of an ACCO.

The role of the Aboriginal Transition Team is to work closely with the ACCOs in identifying existing targets that can be transferred from CSOs and the department and develop state-wide and local implementation plans to support the process.

The transition strategy aims to ensure that Aboriginal children, together with their carer families, are closely connected to the child’s family and cultural connections. Evidence shows that Aboriginal children who are cared for by an ACCO have a greater connection to culture, which can lead to better health and wellbeing outcomes in the future.

Future policy and procedures supporting the transition will strongly reflect the Aboriginal Child Placement Principle (ACPP) and other legislative policy frameworks and programs related to children and culture.

# Purpose

The purpose of this paper is to seek the steering committee’s endorsement of a state-wide policy position that is able to articulate how carers of Aboriginal children will transfer from a non-Aboriginal agency to an ACCO where ACCOs are funded to provide either kinship or foster care.

# Proposal

It is proposed that kinship and foster carers of Aboriginal children and young people be supported by an ACCO wherever possible and that current funding and targets transition from a CSO and the department to support the transfer. The proposed policy position will provide state-wide consistency and help to inform the development of guidelines that will assist the transition process.

Where an Aboriginal child is currently in the care of a kinship or foster carer and the placement is supported by Child Protection or a non-Aboriginal foster care agency, opportunities for transferring placement and carer to an ACCO foster or kinship care service will be explored and negotiated.

It is important that carers understand the principles behind these new changes and feel assured that new relationships with the ACCOs resulting from a transfer will provide enhanced support that is culturally appropriate to both the child and carer, with no disruption to the carer and child’s relationship.

# Rationale

Aboriginal children do better when connected to culture and the Aboriginal community and every Aboriginal child must have the opportunity to learn, practice, thrive and pass on their culture. Connection to culture is widely regarded as key to providing good health and wellbeing outcomes for Aboriginal children, families, and communities. In this context, the previous work of Taskforce 1000 highlighted a range of systemic issues within current Child Protection practice, in particular the failure of preserving, promoting and developing cultural safety and connection for Aboriginal children in out-of-home-care.

It is vital that carers of Aboriginal children and young people understand the need for Aboriginal children in their care to maintain and build their connection to family and culture. This strategy aims over time, to ensure that Aboriginal children and their carer families are supported by an ACCO so as to provide optimal support in respect of a child’s cultural connection.

Carers play a critical role in stabilising the lives of many Aboriginal children and young people, who are unable to remain safely at home with their families. Carers provide an opportunity for a child to thrive, achieve positive life outcomes, and reach their full potential by having cultural, health, educational, trauma and emotional needs met.

Carers face many challenges in providing care to children who have experienced various forms of trauma and abuse. For Aboriginal children that have experienced trauma and abuse this situation is even more fragile, particularly if a child is disconnected from family and culture.

The Victorian Government’s intention to transfer all Aboriginal children and young people to the care, case management and authority of ACCOs aims to assist an Aboriginal child’s healing. ACCOs are in a unique position to do this not only from a cultural and spiritual perspective but also because they are able to provide many of the fundamental health and community services a child needs to maintain community connectedness.

# Proposed benefits

Carers will be better supported through this strategy to promote the child’s cultural journey, and tap into the many cultural experiences that an ACCO can offer. The ACCOs can in turn assist carers with their own journey towards better understanding of Aboriginal history and culture.

A number of positive outcomes for carers have been identified through this proposed transition:

* Carers of Aboriginal children and young people will have the opportunity to increase their knowledge of Aboriginal history and culture and therefore contribute to a culturally safe home life for the child.
* Aboriginal children and young people case managed by ACCOs will have better prospects of thriving in a culturally safe and connected environment both in and out of the home.
* Supports and services will be provided to Aboriginal children and young people during the period of transition.
* Opportunities will be optimised for family reunification, where appropriate.

# Policy questions

## 1. What if foster carers do not want to transfer to an ACCO?

### Proposed response

Foster carers are volunteers and reserve the right to select the CSO they wish to volunteer for and will not be obligated to transfer to an ACCO. It is expected that over time all home based carers of Aboriginal children will be supported and managed by an ACCO. Existing carers that care for an Aboriginal child will be encouraged and supported to transfer to a registered ACCO.

Government, CSOs and ACCOs are all highly committed to making the transfer of carers of Aboriginal children to an ACCO a positive experience. Carers of Aboriginal children will be given every opportunity to discuss any concerns regarding the transfer with their CSO, child protection practitioner or ACCO. The Foster Care Association of Victoria and Kinship Carers Victoria are also available to support carers with any concerns they may have.

The ACCO will provide further cultural training to the carer to enhance the carer’s knowledge of Aboriginal history and culture; to better foster and strengthen the carer’s relationship with the child, family, community and ACCO.

If a carer of an Aboriginal child in their care has declined opportunities to be supported and managed by an ACCO, the Department is highly unlikely to place further Aboriginal children with that carer into the future. As with all children in out-of-home care, the Department has a duty to make decisions which are in a child’s long term best interests.

## 2. Will changes be made to the accreditation of a foster carer?

The accreditation of an existing carer will not be affected by their transfer to an ACCO. Foster carers will not be required to undergo a new assessment of their ability to provide care to Aboriginal children and young people. Carers that provide consecutive or periodic care to both Aboriginal and non-Aboriginal children, can transfer between Aboriginal and non-Aboriginal agencies as required. When caring for an Aboriginal child supervision will be provided by the ACCO. This includes circumstances where the carer is caring for children who are non-Aboriginal such as siblings or non-related children.

A carer can only be supported by one agency at any time, as being supported by multiple agencies may potentially lead to conflicting advice and place the carer in a difficult situation. Carers are provided with the opportunity to either remain with an ACCO or transfer to an agency of their choice when they are no longer providing care to Aboriginal children and young people.

## 3. Are all carers required to undertake cultural training?

In the best interest of the child, cultural training is mandatory for all kinship and foster carers. Carers will also be supported and encouraged by ACCOs to undertake continual training as part of their ongoing development as a carer. Cultural competency is fundamental in promoting and strengthening resilience and healing in a child and their families through connection to culture. The added benefit to this is that carers are able to understand their responsibilities in caring for an Aboriginal child or young person, which in turn strengthens their personal knowledge and empathy of Aboriginal culture.

# Endorsement position

That the Transitioning Aboriginal Children to ACCOs Steering Committee endorses the proposed position and responses to policy questions 1, 2 and 3 as the department’s position when transferring carers of Aboriginal children and young people from CSOs and the department to ACCOs.

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1. Information extracted from *Report on Government Services* 2017 (Child Protection Services); Table 16A.19 [↑](#footnote-ref-1)
2. Aboriginal Children’s Forum Implementation Plan, Action 5.2 [↑](#footnote-ref-2)